IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 9747 of 2004

Between:

1. Smt. B.Usha kumari (890880321) Head Constable (Mahila),
W/o B.S.S.Reddy, working in Ho.99 Bn., RAF/CRPF, Hakimpet,
Secunderabad .
2. Smt. N.Sailaja (940880562) Constable (Mahila) W/o A.V.Ravichandra,
working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad .
3. Smt. D.Sandhya Rani(920880562) Constable (Mahila) W/o David Raju
working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad .
4. Smt. M.Maruthi (940880553) Constable (Mahila)
W/o K.K.KishoreKumar, working in Ho.99 Bn., RAF/CRPF, Hakimpet,
Secunderabad .
5. Smt. G.Sumalatha (940880393) Constable (Mahila) W/o Krishna Rao
working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad .
6. Smt. P.P.Sindu (953357544) Constable (Mahila) W/ Jastin
working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad .
7. Smt. Kiran Kumari (953355915) Constable (Mahila) W/o Mohan Rao
working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad .
8. Smt. Jayalakshmi, T.R (953358381) Hair Dresser (Mahila)
W/o Radhakrishnan, working in Ho.99 Bn., RAF/CRPF, Hakimpet,
Secunderabad .
9. Smt. M.Meenakshi (952254669) Constable (Mahila) W/o Mahinder
working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad .
10. Smt. V.Bharathi (940880227) Constable (Mahila) W/o Laxman Rao
working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad .
11. Smt. Sumitra Rathore (940880081) Constable (Mahila) W/o Baswaraj
working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad .
12. Smt. Kasamma (943050043) Constable (Mahila) W/o Venkataswamy
working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad .
13. Smt. Sreena Mohan (953351312) Constable (Mahila)
W/o Rajesh Benu, working in Ho.99 Bn., RAF/CRPF, Hakimpet,
Secunderabad .
14. Smt. Narasamma (943050168) Constable (Mahila)

W/o Syed Mahaboob, working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad.

15. Kamaluddin (821330435) Head Constable S/o Shaik Chand working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad .
16. E.Srinivasulu (910630122) Constable S/o Subbarayudu working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad .
17. P.V.Varghese (921150376) Constable S/o P.V.Varghese, working in Ho.99 Bn., RAF/CRPF, Hakimpet, Secunderabad .

..... PETITIONERS

AND

1. The Director General of Police,
Central Reserve Police Force,
CGO.Complex, Lodhi Road, New Delhi.
2. The Inspector General of Police,
Rapid Action Force, RK Puram , New Delhi.
3. The Addional Deputy Inspector General of Police-cum-Estate Officer
Group Centre-CRPF, Ranga Reddy District
Secunderabad.
4. The Commandent,
No.99 Battalion, RAF/CRPF, Hakimpet,
Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the office orders No.A.II.1/04-05-GC Bldg. dt. 13/05/2004 and the consequential order dt. 02/06/2004 issued by the 3rd respondent as arbitrary, discriminatory and illegal and consequently set aside the same and direct the 3rd respondent to permit the petitioners to retain the family quarters allotted to them in the Group Centre-CRPF, Ranga Reddy District till the petitioners complete their tenure or alternatively direct the 4th respondent to allot forthwith the family quarters to the petitioners in No.99 Battalion, and until then direct the 3rd respondent to permit the petitioners to retain the family quarters allotted to them with all other consequential benefits.

Counsel for the Petitioners: MR. V. JAGAPATHI

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following:

ORDER:

Petitioners 1 to 14 are Mahila constables and 15 to 17 are the male constables working in the 99 Battalion, Rapid Action Force (RAF) under the control of the fourth respondent.

2. The third respondent allotted family quarters which are lying vacant under 'non entitled category' to the petitioners on the basis of the request received from the fourth respondent for a period of one year vide proceedings dated 28-09-2002. It is stated that on completion of one year, their stay was extended for another period of six months as per their request. The third respondent issued proceedings dated 28-04-2004 requesting the fourth respondent, advising him to prepare list of vacant Government Family Quarters allotted to the 99 RAF Battalion as there is a requirement of Type-II/I, Government family quarters for allotment to the personnel of new raising 154 Battalion at Group Centre, Ranga Reddy. While making such a request to prepare vacant Government family quarters allotted to the Commandant 99 Battalion RAF, it is also stated that 81 quarters were allotted to 99 RAF personnel may not be required to be vacated and he was asked to furnish the names of the personnel whose children are studying in CRPF Public school, so that those cases can be considered for being permitted to retain the quarters. Thereafter, the third

respondent issued proceedings dated 13-05-2004 in continuation of the earlier proceedings dated28.2.2004 to the petitioners stating that the petitioners are allotted quarters against 'non entitled category', on conditional basis and the said allotment stands cancelled and the petitioners are directed to vacate the quarters occupied by them by 30-05-2004 while forwarding the said letter to the fourth respondent. The said proceedings dated 13-05-2004 and the consequential proceedings dated 02-06-2004 are questioned in this writ petition.

3. The proceedings dated 02-06-2004 are issued by the third respondent stating that petitioners failed to vacate the quarters occupied by them and therefore, they are liable to pay damaged rent at the rate of Rs.75/- per Sq. Mtr. With effect from 31-05-2004 onwards and fixed the rent of the quarter at Rs.2,036/- per month.

4. Learned Counsel appearing for the petitioners submits that as per the outlines issued by the Deputy Director of Directorate General C.R.P.F. vide proceedings No.A.II-2/75-And-I dated 26-10-1995, all accommodations i.e. Type-I to Type-VI quarters in group centers will be allocated to each Battalion and Group Center personnel in the ratio of the sanctioned strength. For example, if there are 100 type-II quarters, the allocation will be 21 quarters to each of the four Battalion and 16 to group centers. The allotment of the quarters to the respective Battalions will have to be made by the Estate Officer on the recommendation of the Commandant of the Battalion concerned. Waiting list will be kept in Group Centers as well as in Battalion, in case any quarter out of the quota earmarked to a particular Battalion is lying vacant, the same may be allotted to the Estate Officer to the non-entitled personnel. But in case there is a request/demand from the personnel of the said attached Battalion, he will have to be given quarter against his Battalion quota and the non entitled personnel occupying the quarter out of that Battalion quota will be required to vacate the quarter as per the norms contained therein. One of the norms is that the Estate Officer shall ensure that no quarter is kept vacant.

5. The learned Counsel appearing for the petitioners submits that the petitioners are all the personnel of 99 Battalion of RAF and they have no quota under the entitlement as per the said guidelines, but their cases have been allotted under the non entitled quota on par with the Group Centers and other Battalions. Therefore, their cases have to be considered on par with the other CRPF personnel under the non-entitled quota.

6. On the other hand, the learned Counsel appearing for the respondents submits that when the quarters were allotted to the petitioners under the 'non entitled category', only four battalions were attached to Group Centers but now another battalion i.e. 154 Battalion was posted newly at the Group Center and, therefore, the quota of the entitlement category has to be revised and certain quarters have to be allotted under the entitlement quota to the CRPF personnel of 154 Battalion. It is stated that for 99 RAF Battalion, separate quarters have been constructed and they were made ready for occupation in September, 2003 and the petitioners have no right to continue in the quarters allotted under the 'non entitled category'. Total number of quarters available for all Type-I to Type-VI are 696. As per the aforesaid guidelines, entitled quota for Group Center, Ranga Reddy is 112; for 83 Battalion is 117; for 90 Battalion is 118; for 113 Battalion is 117; for 130 Battalion is 117; for 154 Battalion is 113 and for Widow Home is 2. Even according to the material papers furnished by the learned Counsel appearing for the respondent as against the entitled quota of 112, the Group Center CRPF personnel are in occupation of 341 family quarters, 129 personnel were allotted under the 'non entitled category' and the Group Center personnel were allotted the excess quota of 229. So far as 83 Battalion is concerned, their entitled quota is 117, but only 30 personnel were in occupation of the quarters, and 77 personnel are surplus entitling other personnel for allotment of 'non entitled category'. Under 90 Battalion, as against the entitled quota of 118, only 73 personnel were in occupation of the quarters. Under 113 Battalion, as against the entitled quota of 117, only 45 personnel are in occupation of the quarters and whereas under 130 Battalion, as against the entitled quota of 117, only 19 personnel are in occupation of the quarters. In respect of 154 Battalion, as against the entitled quota of 113, only 60 personnel are in occupation of quarters.

7. It is clear from the said allotment for the anomaly for not allotting the entitled quota for 83,90,113, 130 and 154 Battalions is indiscriminate allotment of CRPF personnel working in the Group Centers. Therefore, in all fairness, the respondents should have asked the personnel of the Group Center, who are occupying the quarters meant for the 'entitled category' of other Battalions under entitled quota and under the guise of allotting quarters as per the waiting list under the 'entitled category', without taking any action against the persons who are occupying under the 'non entitled category' of Group Center, the respondents have issued the impugned order

and also taking penal action against the petitioners to vacate so as to enable them to allot the said quarters as per the waiting list of the respective Battalion personnel.

8. The learned Counsel appearing for the respondents submits that as separate quarters have been allotted to the RAF 99 Battalion the petitioners have no vested right to continue the said quarters and the petitioners are bound by the terms and conditions undertaken by them while occupying the said quarters.

9. It is true that the petitioners have no allotment in so far as the quota under the 'entitled category' but their cases have been considered under the quota of the 'non entitled category'. Because petitioners were allotted the quarters, they have lost their right of seniority for the allotment of the quarters meant for 99 Battalion. It is stated that some of the children of the petitioners are studying in CRPF Public School and though the fourth respondent has furnished the particulars of the persons, whose children are studying in the Public School of CRPF Campus, but their cases have also not been considered and their request has been rejected without any reasons. The learned Counsel appearing for the petitioners submits that if they are permitted to continue by the end of December, 2004, they will vacate and secure alternative accommodation and therefore, they cannot be disturbed at this juncture, so as to enable the fourth respondent to consider their case or seek alternative accommodation elsewhere.

10. Though petitioners have no vested right, but the fact remains is as against the entitled quota of 112 under 'entitled category' of Group Centers RPF, 341 personnel were in occupation of the quarters, which are earmarked to other Battalions under the 'entitled quota'. There is no justification for not taking any action against the persons of Group Centers, who were occupying the quarters meant for the 'entitled quota' of other Battalions.

11. Accordingly, the respondents are directed to take steps to evict the persons who are occupying the quarters under 'entitled category' meant for allotment to 83,90,113,130 and 154 Battalions and allot the quarters meant for the respective Battalions and thereafter consider the case of the petitioners and others to continue them under the 'non entitled category' and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. For no fault of petitioners, they cannot be penalized for collection of the damaged rent as indicated in the proceedings dated 02-06-2004.

12. Accordingly, the Writ Petition is disposed of and the proceedings dated 02-06-2004 are set aside. The respondents are directed to take appropriate action as indicated above.

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V. ESWARAIAH, J

Dt.13-09-2004

Glv/ka

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copies to

1. The Director General of Police,
Central Reserve Police Force,
CGO.Complex, Lodhi Road, New Delhi.
2. The Inspector General of Police,
Rapid Action Force, RK Puram , New Delhi.
3. The Addional Deputy Inspector General of Police-cum-Estate Officer
Group Centre-CRPF, Ranga Reddy District
Secunderabad.
4. The Commandent,
No.99 Battalion, RAF/CRPF, Hakimpet,
Secunderabad.

5. Two C D copies.